

**ASSEMBLY BILL**

**No. 2908**

**Introduced by Committee on Transportation (Torlakson  
(Chair), Correa, Davis, Dutra, Firebaugh, House, Leach,  
Longville, Margett, Nakano, Scott, and Strom-Martin)**

March 15, 2000

An act to amend Section 640 of the Penal Code, and to amend Section 21455.6 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2908, as introduced, Committee on Transportation. Transportation.

(1) Existing law provides that skateboarding, roller skating, or roller blading in any public transportation system facility, vehicle, or parking structure is an infraction, punishable by a fine and community service, as prescribed.

This bill would also make bicycle riding in a public transportation system facility, vehicle, or parking structure an infraction punishable by a fine and community service, as specified, except as otherwise provided. By creating a new crime, the bill would impose a state-mandated local program.

(2) Existing law authorizes a city council or county board of supervisors, in accordance with specified requirements, to approve the use of prescribed automated enforcement systems for use where a driver is required to stop and provides that that authorization does not include the use of photo radar by any jurisdiction.

This bill would provide that that authorization does not include the use of photo radar for speed enforcement purposes by any jurisdiction.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 640 of the Penal Code is  
2 amended to read:

3 640. (a) Any of the acts described in subdivision (b)  
4 is an infraction punishable by a fine not to exceed two  
5 hundred fifty dollars (\$250) and by community service  
6 for a total time not to exceed 48 hours over a period not  
7 to exceed 30 days, during a time other than during his or  
8 her hours of school attendance or employment, when  
9 committed on or in any of the following:

10 (1) Any facility or vehicle of a public transportation  
11 system as defined by Section 99211 of the Public Utilities  
12 Code.

13 (2) Any facility of, or vehicle operated by any entity  
14 subsidized by, the Department of Transportation.

15 (3) Any leased or rented facility or vehicle for which  
16 any of the entities described in paragraph (1) or (2) incur  
17 costs of cleanup, repair, or replacement as a result of any  
18 of those acts.

19 (b) (1) Evasion of the payment of any fare of the  
20 system.

21 (2) Misuse of any transfer, pass, ticket, or token with  
22 the intent to evade the payment of any fare.

23 (3) Playing sound equipment on or in any system  
24 facility or vehicle.



1 (4) Smoking, eating, or drinking in or on any system  
2 facility or vehicle in those areas where those activities are  
3 prohibited by that system.

4 (5) Expectoating upon any system facility or vehicle.

5 (6) Willfully disturbing others on or in any system  
6 facility or vehicle by engaging in boisterous or unruly  
7 behavior.

8 (7) Carrying any explosive or acid, flammable liquid,  
9 or toxic or hazardous material in any public transit facility  
10 or vehicle.

11 (8) Urinating or defecating in any system facility or  
12 vehicle, except in a lavatory. However, this paragraph  
13 shall not apply to any person who cannot comply with this  
14 paragraph as a result of a disability, age, or a medical  
15 condition.

16 (9) (A) Willfully blocking the free movement of  
17 another person in any system facility or vehicle.

18 (B) This paragraph (9) shall not be interpreted to  
19 affect any lawful activities permitted or first amendment  
20 rights protected under the laws of this state or applicable  
21 federal law, including, but not limited to, laws related to  
22 collective bargaining, labor relations, or labor disputes.

23 (10) Skateboarding, roller skating, *bicycle riding*, or  
24 ~~rollerblading~~ *roller blading* in any system facility,  
25 vehicle, or parking structure. *This paragraph does not*  
26 *apply to any activity that is necessary for utilization of the*  
27 *transit facility by a bicyclist, including, but not limited to,*  
28 *any activity that is necessary for parking a bicycle or*  
29 *transporting a bicycle aboard a transit vehicle, if that*  
30 *activity is conducted with the permission of the transit*  
31 *agency in a manner that does not interfere with the safety*  
32 *of the bicyclist or other patrons of the transit facility.*

33 (11) (A) Unauthorized use of a discount ticket or  
34 failure to present, upon request from a transit system  
35 representative, acceptable proof of eligibility to use a  
36 discount ticket, in accordance with Section 99155 of the  
37 Public Utilities Code and posted system identification  
38 policies when entering or exiting a transit station or  
39 vehicle. Acceptable proof of eligibility must be clearly  
40 defined in the posting.

1 (B) In the event that an eligible discount ticket user is  
2 not in possession of acceptable proof at the time of  
3 request, any citation issued shall be held for a period of 72  
4 hours to allow the user to produce acceptable proof. If the  
5 proof is provided, the citation shall be voided. If the proof  
6 is not produced within that time period, the citation shall  
7 be processed.

8 SEC. 2. Section 21455.6 of the Vehicle Code is  
9 amended to read:

10 21455.6. (a) A city council or county board of  
11 supervisors shall conduct a public hearing on the  
12 proposed use of automated enforcement systems  
13 authorized pursuant to Section 21455.5 prior to that city  
14 or county entering into a contract for the use of those  
15 systems.

16 (b) The authorization in Section 21455.5 to use  
17 automated enforcement systems does not authorize the  
18 use of photo radar *for speed enforcement purposes* by any  
19 jurisdiction.

20 SEC. 3. No reimbursement is required by this act  
21 pursuant to Section 6 of Article XIII B of the California  
22 Constitution because the only costs that may be incurred  
23 by a local agency or school district will be incurred  
24 because this act creates a new crime or infraction,  
25 eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section  
27 17556 of the Government Code, or changes the definition  
28 of a crime within the meaning of Section 6 of Article  
29 XIII B of the California Constitution.

